

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DANIEL S. PILKINGTON,

17-CV-00060 (DCF)

Plaintiff,

-against-

TUTOR PERINI BUILDING CORP., and TUTOR  
PERINI CORPORATION,

Defendants.

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TUTOR PERINI BUILDING CORP., and  
TUTOR PERINI CORPORATION,

Third-Party Plaintiffs,

-against-

GILSTON ELECTRICAL CONTRACTING CORP.,  
and HUDSON ELEVATOR GROUP, INC.,

Third-Party Defendants.

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**NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF  
HEATHER N. BABIONE AS COUNSEL OF RECORD**

PLEASE TAKE NOTICE that, pursuant to Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Heather N. Babione, an associate with the law firm of Neil H. Greenberg & Associates, P.C, hereby moves to withdraw as attorney of record for Plaintiff Daniel S. Pilkington in the above-captioned civil action. Good cause exists to permit the withdrawal of Heather N. Babione as she will no longer be an associate at the law firm of Neil H. Greenberg & Associates, P.C. effective December 28, 2018. Neil H. Greenberg, Esq. and Justin M. Reilly, Esq. of Neil H. Greenberg & Associates, P.C. will continue to serve as attorneys of record for the Plaintiff in this action.

WHEREFORE, it is respectfully requested that the Court grant the instant application, issue an Order withdrawing Heather N. Babione as counsel of record for Plaintiff Daniel S. Pilkington, and instruct the Clerk of the Court to remove Ms. Babione from any applicable service list and to terminate the delivery of all CM/ECF notices to Ms. Babione in the above-referenced action.

Dated: December 19, 2018  
Massapequa, New York

Respectfully submitted,

NEIL H. GREENBERG & ASSOCIATES, P.C.

/s/ Heather N. Babione  
\_\_\_\_\_  
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Dated this \_\_\_\_\_ day of  
\_\_\_\_\_, 201\_\_\_\_.

**SO ORDERED:**

\_\_\_\_\_  
HON. DEBRA J. FREEMAN  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I, Heather N. Babione, hereby certify that on this 19<sup>th</sup> day of December, 2018, I caused a copy of the foregoing document to be electronically filed with the United States District Court for the Southern District of New York via the Court's CM/ECF system and further certify that a copy of same was served on all Counsel of Record via transmission of Notices of Electronic Filing generated by the Court's CM/ECF system.

/s/ Heather N. Babione